Resolutions on matters of General Public Interest.

1. Jail Rules regarding Political Prisoners.

President.—Discussions on Resolutions.

Mr. E. Ikkanda Warriar.—Sir, I move the resolution standing in my name. It reads thus:—

"This Council recommends to the Government to make adequate provisions in the Jail Rules for the special treatment of political prisoners consistent with their position and status in life."

Sir, there is no provision in the Jail Rules, as they now stand, for the treatment of political prisoners. The Jail Code does not make any distinction between a murderer and a political offender who has committed no offence involving moral turpitude. The Code was recently revised and I do not know how this matter escaped the notice of the Committee that revised it. Probably it may be that there were not any political agitation going on here and therefore there was no occasion for the Members to consider this question. The reason that made me to bring forward this resolution is the recent conviction of a man here for political offences. In fact he courted jail. He did not even defend his case and he gladly went to jail. Then only we found out that the Jail Rules did not make any distinction between him and the habitual prisoners there. As regards diet, clothing and other physical comforts there is absolutely no distinction. He is given a cell from where he is not allowed to move. He is not even allowed to talk with other prisoners which it may not be desirable also. The jail authorities, however considerate and humane they may be, have no discretion in the matter. Fortunately for the person in lail, we had a kind Diwan to whom I appealed and he very generously and promptly gave him all sorts of concessions which the political prisoners get in British India. (*Hear, hear*).

Dr. A. R. Menon.—He gets all those concessions.

Mr. E. Ikkanda Warriar.—But we had to depend upon the kindness of the Diwan to get those concessions which the present prisoner got. (*Hear, hear*). So we will have to depend upon the prejudices, likes and dislikes of the man at the helm of affairs when similar cases arise. For the time being there may be a truce in British India. We do not know what will happen afterwards. It may again end in war and troubles and persons may be punished for political offences and sent to jail. So it is quite proper that we should frame a set of rules. The British Government has framed rules and they have allowed special concessions for political prisoners. There they classify them into different classes and they are given special amenities of life in jail. It is highly desirable to have such provisions incorporated in our Jail Rules also. I therefore request the Government to accept this resolution.

Mr. K. Ayyappan.—I second it.

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Mr. A. B. Salem.—Sir, I rise to support this resolution. This gives me a chance of bringing to the notice of the Government, to the public and to this House, some incidents that are taking place in Cochin to-day. Last night a Civil Disobedience Satyagrahi who was liberated from the Calicut Jail, who came here on Sunday, was arrested at my office and that in the face of the truce that has been signed and the pledges that have been given to the release of political prisoners and withdrawal of prosecutions. This morning my office was raided for the purpose of finding out what all his things were. He was to be taken at Government expense to Trichur to be placed before the District Magistrate. Sreedhar is his name. He refused me the privilege of standing bail for him and preferred to go to the authorities. Of course it only creates a false atmosphere. I know that there is nothing in it. These orders have been passed for his arrest long before the truce was effected in India. There was a warrant against him before he left for Calicut. When he went to Calicut he was arrested there, and was to be prosecuted and was in custody all the time in Calicut. And even after the truce, they considered after some time, after the question was raised in the Madras Legislative Council, they considered the cases and ordered them all to be released. He was on his way to Shertallai, in Travancore, and was passing through this place. There was a meeting at Cochin, and he took part in it, and the Police came there and immediately the arrest was made. When the news go outside, they will think that we are very slow in giving effect to the spirit of peace that has been introduced since the 6th of March. It is really not so. Then, why should these things be done to set aside the spirit of the times? If the Police and the Magistrate had a little discretion they might have referred it back to the District Magistrate and taken orders whether he should be arrested or kept under surveillance. I asked them to keep him here till the matter was referred. What is the use of creating such false atmosphere, when really there is no such atmosphere here? We all want to co-operate with the Government as much as possible and heartily with the powers-that-be, for the purpose of effecting a lasting peace in India, including the States. We are soon coming into a Federation. We are soon coming to introduce responsibility into all Governments whether in the States or outside. Therefore these are matters which should be pressed to the attention of the Government. As regards these rules, I am for making these rules a little better in our State because patriots ought to be treated differently from culprits. Classifications of A class, B class, and C class, made in the British Indian Jail Codes are not working satisfactorily. There is any amount of bristling with

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difficulties. There is any amount of complaints. We want to have a separate set of rules to be framed, human as far as possible, by our Government in order to treat very few political cases that may come into our jails. That is all what I have to say.

Dr. A. R. Menon.—Sir, while I wish to support this resolution, I would like to make a few observations in connection with the special case mentioned by the mover of the resolution. As a matter of fact, the prisoner now in the Central Jail of which I am a visitor, is treated in a better way than even any of the A class prisoners in British India.

Mr. E. Ikkanda Warriar.—Even better. I admit that.

Dr. A. R. Menon.—He is given such privileges which even the A class prisoners in British Indian Jails do not get. He is allowed his own bedding. He is given very good food or he is allowed to cook his own food. He is given even a light, papers and books and he is permitted to use all these as an ordinary man. The only restraint was that he was not generally allowed to go out of his cell but it was for the simple reason that it was thought better not to allow these political prisoners to associate with the other prisoners. I learn that even that rule has been waived to a great extent. Therefore, strictly speaking there is no complaint whatever. And I had an opportunity to ask him whether he had any complaint when he sincerely told me that he had none except, of course, the restraint that he was in a jail.

Mr. E. Ikkanda Warriar.—I never said that he had any complaint.

Dr. A. R. Menon.—As the mover said, it was due to the kindness of the Diwan. I remember very well that I proposed in connection with the Jail Rules Committee, which was the result of a discussion in this House, that certain provisions should be made so far as the political prisoners are concerned. There were other various matters which I missed later on in the report. Of course, I am to be blamed to a certain extent. There were other matters which should have been submitted to the Government in the report, but which, as I said, did not contain certain aspects which we had come to a unanimous conclusion, for example, certain restrictions in the matter of allowing prisoners after a certain period to allow themselves to have some recreation. All these things are left out. It has been my intention again when occasion arises, to move for a supplementary report already submitted to Government. In a matter like this, the Members are also interested in a way, for, who knows that my friend who sits in front of me may not find a place in the jail or

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I myself? And so it is to our interest also that these things should be properly arranged before we plunge ourselves into these matters. I think, considering the status and the general position that these people occupy in society, and also considering the motive that have prompted them to take this action, it would be consistent with the dignity and self-respect and also with the interest of the Government, no less than that of the public, that they should be treated as far as possible, consistent with the jail rules, in a better way and certainly in a way which may be compared favourably with the treatment that they receive in British India.

Rama Varmha Tampuran.—Sir, I have not much to add to the discussion, because Government have taken steps to incorporate the Madras provisions in our Jail Rules. (*Hear, hear*).

Mr. K. Mohammed Seethi.—Sir, in supporting the motion I may just draw the attention of the Government to the necessity of taking into consideration the criticisms of the Madras Rules when they pass their final orders. Against the Madras Rules, when they were put into operation, several well-reasoned criticisms were offered. I request the Government may take into consideration those criticisms also before passing final orders.

Mr. E. Ikkanda Warriar.—Since I am told that the Government is taking steps to amend the Rules on the lines of my resolution, I beg leave of the House to withdraw my resolution.

The resolution was withdrawn with leave of the House.

2. Agricultural Survey of the State.

Mr. V. Achyuta Menon.—Sir, since I heard from the Member in charge of the Agricultural Department that recently an Agricultural Survey of the State had been sanctioned and that the work would be taken up next year, I do not propose to move the resolution.

Hence the following resolution was considered withdrawn.

Mr. V. Achyuta Menon.—"This Council recommends to the Government the urgent necessity for conducting an Agricultural Survey of the State".

3. Throwing open all the Government and Aided Schools to all the subjects of the State.

Mr. K. Ayyappan.—I beg to move the following resolution:—

"This Council recommends to the Government to open all Government and aided schools to all the subjects of the State irrespective of caste or creed".

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